

Remarks

Claims 26-39 and 43-56 are presently pending in the subject application.

Reconsideration and allowance in view of the above amendments and the following remarks are respectfully requested.

Claims 40-42 are canceled without prejudice to the prosecution of the subject matter of these claims in this or a future continuing application.

Claim 56 is newly added and includes subject matter originally appearing in claim 49.

Prior Art Rejections

The claims have been amended to indicate that the cap positions the specimen retrieval device along the inner surface of the vessel and in a spaced-apart relationship to the longitudinal axis of the collection device. This amendment is supported in the specification at, for example, the paragraph bridging pages 20 and 21 and in Figure 7. The claimed collection devices distinguish over the filter snipper tube (3) of Kath *et al.* (U.S. Patent No. 5,945,070), which is suspended in the center of a vessel (1). *See* Kath at col. 4, lines 6-9. Without addressing the bases for which the secondary references are being cited, Applicants submit that these references do not overcome the noted deficiencies of Kath. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejections under 35 U.S.C. §§ 102 and 103.

Conclusion

Applicants submit that the subject application is in condition for allowance and notice to that effect is hereby respectfully requested.

Reply Under 37 C.F.R. § 1.111
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No fees are believed due in connection with this Reply. If Applicants are mistaken, then please charge any amounts due to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Respectfully submitted,

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